

File: 31617  
Alamitos Creek  
X-Fac: Golf Creek  
Almaden Valley Pipeline

June 8, 2015

Ms. Rebekah Ross  
Department of Planning, Building & Code Enforcement  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

Subject: Draft Mitigated Negative Declaration/Initial Study - Land of Mazzone  
City File No. PDC13-028

Dear Ms. Ross:

The Santa Clara Valley Water District (District) has reviewed the Draft Mitigated Negative Declaration (MND)/Initial Study (IS) - Land of Mazzone City File PDC13-028 received on May 8, 2015.

The project site is bounded on three sides by District property. Golf Creek is located on the north side, Alamitos Creek on the east side, and the Almaden Valley Pipeline on the south side. In addition, the District has an ingress/egress easement for Golf Creek located on the project site along the north side. The project proposes work on the easement for Golf Creek and on District fee title property. This work will require the issuance of a District permit as per the District's Water Resources Protection Ordinance and require the purchase of easements from the District. The District is to be considered a responsible agency under CEQA as the issuance of the District permits and sale of District fee title property requiring a discretionary District permit as per the District's Water Resources Protection Ordinance. In addition, land rights acquisition also makes this a discretionary action and the District a responsible agency.

1. MM BIO6 notes that mitigation for the loss of riparian habitat due the box culvert extension is assumed to be at a ratio of 1:1. Typically, mitigation ratios of 3:1 are required and more if the mitigation cannot be done on-site and in-kind. Neither the MND or IS discusses where mitigation for the loss of the riparian habitat is to occur. The District has noted previously that mitigation is not allowed to occur on District property. Without having information relative to where the mitigation will occur it is not clear that this mitigation measure can be fulfilled.

2. MM BIO10, MM BIO11, MMBIO12 should note that plants used for mitigation should not only be native species, but also be grown from the seeds or propagules of plants found within the Guadalupe River watershed. Landscaping of the site needs to be in accordance with the City's Riparian Corridor Policy and Guidelines and Standards for Land Use Near Streams, particularly Design Guides 1-3. The District has mitigation plantings along Alamos Creek and the Guadalupe River that are watershed specific and planting of non-watershed specific plantings for mitigation not only impacts the District's plants but does not fully accomplish the ecological needs of riparian mitigation.
3. The MND and IS refer to the extension of the box culvert both as a box culvert extension and a bridge installation, which is inaccurate and confusing. For example, page 5 of the IS describes the culvert extension and then describes relocation of the sanitary sewer as being in the "area of the bridge work". Bridge and culvert construction typically have different impacts on the creek, particularly the bed of the creek, and the documents should consistently and accurately describe the work affecting Golf Creek.
4. It is not clear from MND/IS that the flood impact study analysis performed accounted for the proposed fill of up to 5.5 feet and the Appendix J, Flood Impact Study Update, didn't include figures showing the cross sections used for the analysis.
5. The description of access to the project site on page 4 of the IS states there is access from a driveway on Almaden Expressway at the south end of the site. This driveway is the District's driveway and access to the site through this driveway is not allowed. The IS should be revised for clarity and accuracy.
6. The description of easements on page 5 and 86 of the IS incorrectly states there is a 65' foot easement over Golf Creek and another over Alamos Creek. These easements referred to are District fee title property, not easements. Additionally, this section does not indicate that there is a District ingress/egress easement over a portion of the site adjacent to the Golf Creek.
7. The IS notes on page 5 that the existing sanitary sewer will need to be relocated and a new easement dedicated. Plans for the project the District reviewed previously didn't include relocation of the sanitary sewer under Golf Creek and on property that appears to be owned by the District. The project proponent will be required to purchase an easement for the private road crossing and the sanitary sewer.
8. Figure 7 and 8 include a callout to the District's ingress/egress easement along Golf Creek on the site; however, the easement is not delineated on the plan sheets. The easement needs to be shown to enable an assessment of the impacts of the proposed improvements on the easement.

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9. The MND and IS do not discuss the trail proposed within the riparian setback area. Passive uses such as trails are allowed under the City's Riparian Corridor Policy; however, the documents should include this feature in discussing the project elements and potential impacts, including impacts on the mitigation proposed within the riparian corridor setback area.
10. The existing small outfall into Golf Creek identified on page 40 of the IS, that is unpermitted, needs to be removed as part of the project.
11. Table 2 on page 44 of the IS indicates that six trees located on District property will be removed to allow for construction of the box culvert extension. The document does not specify where mitigation for these trees will occur. As noted previously mitigation on District property is not permitted.
12. Page 74 of the IS notes there is an existing well on-site. If this well is no longer needed it must be destroyed in accordance with the District's Ordinance No. 90-1 and with a District well destruction permit, which is separate from the encroachment permit required for the work proposed on District property at Golf Creek.

Reference District File No. 31617 on further correspondence regarding this project. If you have any questions or need further information, you can reach me at (408) 630-2322.

Sincerely,



Colleen Haggerty, P.E.  
Associate Civil Engineer  
Community Projects Review Unit

cc: S. Tippetts, C. Haggerty, M. Martin, File

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